

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**JUDGE CAROLINE M. CRAVEN
LAW CLERK JENNIFER ORGERON
COURTROOM DEPUTY LYNN SIEBEL
REPORTER: BRENDA BUTLER**

SYNQOR INC.

V

CISCO SYSTEMS, INC.

§
§
§
§
§

2:14CV286

COUNSEL FOR PLAINTIFF:

**THOMAS REIN, HARRY GILLAM, JR., DAVID DEZERN, MICHAEL DAVID
HATCHER, STEPHANIE KOH**

COUNSEL FOR DEFENDANT:

**MIKE JONES, LOUIS TOMPROS, RACHEL COHEN, DANA BURWELL, ANDREW
DANFORD**

11/05/2015

On this day, came the parties by their attorneys, the following proceedings were held in
Texarkana, TX:

TIME	MINUTES
10:01 am	Matter called for Preliminary Pretrial Hearing before U. S. Magistrate Judge Caroline M. Craven.
	Attorney announcements
	2 days set aside. The Court will hear motions #92 and #101. Objections to witnesses and the Objections to exhibits.
	Judge Schroeder will rule on #264
	Time limits will be announced at final pretrial by RWS. Jury Selection procedure and strikes will be decided and announced by RWS. November 25 th from Mel Martin 10:00 counsel can obtain jury questionnaires. Return all copies after jury selection. Will be kept for 15 years. RWS will ask general questions of panel and then counsel will be allowed to address the panel.

10:08	#92 SynQor's Motion to Exclude Reasonable Royalty Opinions of Dr. Stephen Becker and #101 Cisco's Motion to Exclude the Testimony of Brett L. Reed presented and argued by Stephanie Koh on behalf of SynQor.
10:27	Response by Louis Tompros on behalf of Cisco.
10:53	Reply by Ms. Koh.
11:05	Response by Mr Tompros.
11:11	Reply by Ms. Koh.
11:12	Response by Mr. Tompros.
11:13	Ten minute recess.
11:24	Mr. David Dezern presents objections to witnesses on behalf of SynQor.
11:27	Ms. Cohen responds on behalf of Cisco.
11:29	Mr. Dezern replies.
11:31	Ms. Cohen responds.
	Court will rule by end of day.
11:32	Mr. Hatcher questions the Court re: procedure of rulings on exhibits. Parties will submit an order for the Court's signature with today's rulings.
11:39	SynQor's Objections to Cisco's exhibits presented by Mr. Mike Hatcher.
	DTX0002
11:45	Mr. Tompros responds.
	Objection is overruled.
11:48	Mr. Hatcher.
11:50	Mr. Tom Rein.
11:51	Mr. Hatcher.
11:51	Mr. Danford for Cisco.
	Objection is overruled.
11:52	Mr. Hatcher.
11:54	#3 by Mr. Hatcher.
11:58	Mr. Tompros responnds
12:01	Mr. Hatcher.

12:01	Mr. Tompros.
	Mr. Hatcher.
	Objection is overruled.
12:02	#4 by Mr. Hatcher. Withdrawn.
	#5 by Mr. Hatcher.
12:07	Mr. Danford.
12:09	Mr. Hatcher.
	Mr. Danford.
	Court instructs parties to brief which ones fall on what time line.
	Mr. Hatcher responds.
12:11	#6 by Mr. Hatcher.
12:14	Mr. Burwell responds for Cisco.
	Court will allow and amend. Can tell the jury the outcome of the appeal for that limited purpose.
12:16	#7 by Mr. Hatcher.
12:18	Mr. Tompros for Cisco.
12:23	Mr. Hatcher.
	Court will table this and parties are to discuss.
12:24	MIT ownership documents by Mr. Hatcher.
12:27	Mr. Tompros for Cisco.
	Allowed for impeachment otherwise objections are sustained.
12:29	#9 by Mr. Hatcher.
	Mr. Danford responds for Cisco.
12:31	Mr. Hatcher.
	Mr. Danford responds to relevancy.
	Overrule objection.
12:33	#10 with overlap of #11 by Mr. Hatcher.
12:35	Mr. Danford responds.

	Mr. Hatcher replies.
	Mr. Tompros withdraws.
12:37	#10 and #11 by Mr. Hatcher.
12:38	#10 Exhibits withdrawn by Mr. Burwell. Replies to #11.
	143, 144, and 145. Is overruled.
	132 , 133, 135 sustained.
12:41	break until 1:30
1:32	Mr. Rein speaks to reexamination of 021 patent.
1:34	Mr. Tompros responds.
	Court will take under advisement.
	#12 by Mr. Hatcher.
1:37	Mr. Danford responds.
	Mr. Hatcher replies.
	Objection is sustained.
1:39	#13 by Mr. Hatcher.
	Mr. Danford responds.
	Objection is sustained.
1:41	#14 by Mr. Hatcher.
	Mr. Tompros responds.
	Mr. Hatcher replies.
	Objection is sustained.
1:46	#15 by Mr. Hatcher.
	Ms. Cohen responds for Cisco.
	Objection is overruled 161, 185 and 1036. All others on the list are sustained.
1:49	#16 by Mr. Hatcher.
	Ms. Cohen responds for Cisco.
	Mr. Hatcher replies.
	Objection to sustained.

1:54	#17 by Mr. Hatcher.
	Mr. Burwell responds on behalf of Cisco.
	Will be allowed in examination of Mr. Reid.
1:57	#18 by Mr. Hatcher.
	Ms. Cohen responds on behalf of Cisco.
	Mr. Hatcher replies.
	Ms. Cohen replies.
	Mr. Hatcher responds.
	Ms. Cohen.
	Overruled.
	#19 by Mr. Hatcher. Parties reached agreement on these.
2:03	#20 has 2 parts by Mr. Hatcher.
	Ms. Cohen responds on behalf of Cisco.
	Mr. Hatcher replies.
	Ms. Cohen responds.
	Mr. Hatcher.
	Objection is sustained but to Interrogatory response is overruled.
2:09	10 minute recess.
2:21	#7 is overruled.
	#5 timeline will be filed soon by Mr. Hatcher. Mr. Danford says Cisco's version will be later.
2:22	Mr. Burwell presents #1 of Cisco's objections to SynQor's exhibits.
	Response by Mr. Hatcher.
	Objection sustained.
	#2 by Mr. Danford.
	Overruled objection. Need be redacted. Preadmitted with the redaction.
	#3 by Ms. Cohen.
	Response by Mr. Hatcher.

	Court sustains objection.
	#4 by Mr. Burwell. Withdrawn obj as to a demonstrative. PTX2279-1 objections presented.
	Mr. Hatcher responds.
	Subject to the foundation being laid in trial. Objection overruled.
	#6 by Mr. Tompros.
	Objections having to do with hearsay court will be overruled.
	1484 PTX by Mr. Tompros.
	Mr. Hatcher does not object to that.
	Admitted with appropriate redactions.
	#11 by Mr. Tompros. Demonstrative only.
	Mr. Burwell presents #12.
	Mr. Hatcher responds.
	Proper foundation must be laid and subject to that objection overruled.
	#15 Mr. Hatcher will only use for impeachment.
	Mr. Danford responds.
	Mr. Hatcher replies.
	Mr. Danford responds.
	Sustain the objection. If doors are opened, then offer it at that time but take up with Judge Schroeder.
	#16 by Mr. Burwell.
	Mr. Hatcher responds.
	Mr. Burwell replies.
	Mr. Hatcher responds.
	Mr. Rein responds on behalf of SynQor.
	Mr. Burwell responds on behalf of Cisco.
	Mr. Rein.
	Objection is overruled.

	Mr. Burwell withdraws #17.
	#20 by Ms. Cohen.
	Mr. Hatcher responds.
	Sustained.
	#21 by Mr. Tompros.
	Mr. Hatcher responds.
	Objection overruled subject to laying proper foundation at trial.
	Objection by Mr. Burwell.PTX1120.
	Mr. Hatcher responds.
	Can be used as a demonstrative.
	#23 hearsay same objections and ruling applies.
	Mr. Hatcher.
	Objection by Mr. Burwell.
	Mr. Hatcher responds.
	Mr. Burwell replies.
	Mr. Rein responds.
	Objection overruled.
	#25 withdrawn.
	#26 hearsay same as others.
	#27 by Mr. Burwell.
	Mr. Hatcher responds.
	Court will take under advisement.
	#28 by Mr. Danford.
3:07	Mr. Hatcher responds.
	Court overrules objection.
3:09	#30 by Ms. Cohen on behalf of Cisco.
	Mr. Hatcher responds.
	Will be allowed as a demonstrative but not as evidence.

	#33 agreed subject to Dalbert. PTX another hearsay. Subject to that admitted.
	#36 Daubert motion.
	#38 Mr. Burwell.
	Mr. Hatcher responds. Agree to use as demonstrative.
	#40 hearsay same as others.
	#42, #44 business record
	#45 hearsay by Mr. Tompros
	Mr. Hatcher responds.
	Mr. Tompros.
	Mr. Hatcher.
	Sustain that objection.
	#46 Dalbert motion.
	#47, #48, #49, #50, #53,54, 55, 56, business record
	#57 by Mr. Dansford.
	Mr. Hatcher responds.
	Mr. Dansford replies.
	Mr. Hatcher.
	Mr. Dansford responds.
	Mr. Rein responds.
	Obj to all but 1180 will be sustained.
	Mr. Hatcher.
	Other may be used as impeachment.
	#58 by Mr. Burwell. Agree as demonstrative.
	59 and 60 business record,
	#61 and #63 by Mr. Tompros.
	Mr. Hatcher.
	Mr. Tompros.

	Mr. Hatcher.
	Expert can testify but will not go into jury room.
	#64 by Mr. Dansford.
	2146
	Mr. Hatcher responds.
	Mr. Dansford.
	Mr. Hatcher.
	Mr. Dansford.
	May testify but will not go to the jury.
	Mr. Dansford. 2161.
	Mr. Hatcher.
	Objection is overruled.
	#65 hearsay business record.
	Court will rule on #27 later. Take all of Court's ruling and apply. Meet and pair down.
3:36	10 minute recess
3:46	Syncor's obj to 10 witness - sustain obj
	#27 Sustain Cisco's objection
	Tomorrow have something for Court to look at applying rulings today.
	Start at 9:30 tomorrow
	File by 8:00 tomorrow morning.
	Mr. Rein questions the Court.
	Mr. Tompros responds.
3:50	Adjourn